

Appendix A



California Regional Water Quality Control Board

San Diego Region



Winston H. Hickox
Secretary for
Environmental
Protection

Internet Address: <http://www.swrcb.ca.gov/~rwqcb9/>
9174 Sky Park Court, Suite 100, San Diego, California 92123
Phone (858) 467-2952 • FAX (858) 571-6972

Gray Davis
Governor

Action on Request for
Clean Water Act Section 401 Water Quality Certification and
Application/Report of Waste Discharge for
Discharge of Dredged and/or Fill Materials

PROJECT: Roripaugh Ranch Residential Development Project (File No. 01C-091)
Waste Discharge Identification No. 9 00001C091

APPLICANT: Ashby USA, LLC
Mr. Richard Ashby
470 Harrison Street
Corona, CA 92789

ACTION:

1. Order for Standard Certification
2. Order for Technically-conditioned Certification
3. Order for Denial of Certification

STANDARD CONDITIONS:

The following three standard conditions apply to all certification actions, except as noted under Condition 3 for denials (Action 3).

1. This certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to section 13330 of the California Water Code and section 3867 of Title 23 of the California Code of Regulations (23 CCR).
2. This certification action is not intended and shall not be construed to apply to any discharge from any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to 23 CCR subsection 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. The validity of any non-denial certification action (Actions 1 and 2) shall be conditioned upon total payment of the full fee required under 23 CCR section 3833, unless otherwise stated in writing by the certifying agency.

California Environmental Protection Agency

ADDITIONAL CONDITIONS:

The following additional conditions shall apply to this project:

1. Ashby USA, LLC shall, at all times, fully comply with the engineering plans, specifications and technical reports submitted with this application for Section 401 Water Quality Certification and all subsequent submittals required as part of this certification.
2. Ashby USA, LLC shall comply with the requirements of State Water Resources Control Board Water Quality Order No. 99-08-DWQ, the NPDES General Permit for Storm Water Discharges Associated with Construction Activity.
3. This certification is not transferable to any person except after notice to the Executive Officer of the San Diego Regional Water Quality Control Board (Regional Board). Ashby USA, LLC shall submit this notice in writing at least 30 days in advance of any proposed transfer. The notice must include a written agreement between the existing and new owner containing a specific date for the transfer of this certification's responsibility and coverage between the current owner and the new owner. This agreement shall include an acknowledgement that the existing owner is liable for violations up to the transfer date and that the new owner is liable from the transfer date on.
4. In the event of any violation or threatened violation of the conditions of this certification, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under state law. For purposes of section 401(d) of the Clean Water Act, the applicability of any state law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this certification.
5. In response to a suspected violation of any condition of this certification, the Regional Board may require the holder of any permit or license subject to this certification to furnish, under penalty of perjury, any technical or monitoring reports the Regional Board deems appropriate, provided that the burden, including costs, of the reports shall be a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
6. In response to any violation of the conditions of this certification, the Regional Board may add to or modify the conditions of this certification as appropriate to ensure compliance.
7. Ashby USA, LLC shall notify the Regional Board, in writing, of the start of project grading, the start of mitigation installation, and the completion of mitigation installation. All notifications shall be submitted within 3 days of the start of the action, and shall reference File No. 01C-091.

8. Armorflex will be installed along both sides of Long Valley Wash, outside of jurisdictional waters of the U.S. The existing low flow wash will remain in its natural condition, except as detailed in the amended 401 Water Quality Certification application package, dated July 25, 2002.
9. All armorflex areas in Santa Gertrudis Creek and Long Valley Wash shall be hydroseeded with a native seed mix.
10. Ashby USA, LLC shall submit, within 90 days of the issuance of this certification, a draft conservation easement or deed restriction that prohibits the removal of native vegetation, including but not limited to, mowing, pruning, and spraying, in Santa Gertrudis Creek and Long Valley Wash on the project site. This does not apply to the removal of exotic vegetation or trash and debris. Ashby USA, LLC shall submit proof of a completed conservation easement or deed restriction within one year of the issuance of this certification. Ashby USA, LLC shall also provide written verification that Riverside County Flood Control and Water Conservation District (RCFCWCD) agrees to the prohibition against mowing and other vegetation removal activities within the channels with the draft conservation easement or deed restriction.
11. As mitigation for impacts to 3.38 acres of waters of the U.S., Ashby USA, LLC shall create at least 8.2 acres of southern willow scrub and freshwater marsh habitat within the 201-acre preserve area on site. The mitigation area shall be located in an area that is currently unvegetated or previously disced. Existing coastal sage scrub, or other areas of native vegetation, shall not be cleared or graded as part of the mitigation area. A final mitigation plan shall be submitted to the Regional Board for approval prior to the start of any grading associated with the proposed project. The mitigation plan shall include, but not be limited to, cross-sections of the mitigation area, planned hydrology, planting specifications and palette, irrigation regime if necessary, success criteria, and a maintenance and monitoring program. The monitoring program shall meet the requirements listed in Condition No. 11.
12. Ashby USA, LLC shall submit a report (including topography maps and planting locations) to the Regional Board within 90 days of completion of mitigation site preparation and planting, describing as-built status of the mitigation project. If the site grading and planting are not completed within six weeks of each other, separate reports will be submitted describing those specific as-built conditions.
13. The construction of the proposed mitigation shall be completed within the same calendar year as impacts to waters of the U.S. occur, or at least no later than 9 months following the close of the calendar year in which impacts first occur (e.g., if impacts occur in June 2003, construction of mitigation for all impacts must be completed no later than September 2004).
14. The mitigation area shall be monitored at least quarterly during the first year following installation, semi-annually during the second and third years, and annually until mitigation has been deemed successful. Mitigation monitoring reports shall be submitted annually until the site has been deemed successful. Monitoring reports shall be submitted no later than 30

days following the end of the monitoring period. Monitoring reports shall include, but not be limited to, the following:

- a. Names, qualifications, and affiliations of the persons contributing to the report;
 - b. Tables presenting the raw data collected in the field as well as analyses of the physical and biological data;
 - c. Qualitative and quantitative comparisons of current mitigation conditions with pre-construction conditions and previous mitigation monitoring results; and
 - d. Photodocumentation from established reference points.
15. Ashby USA, LLC shall submit, within 90 days of the issuance of this certification, a draft conservation easement or deed restriction that prohibits development within, mowing, and/or other activities that would result in permanent or temporary disturbance of the mitigation area. Ashby USA, LLC shall submit proof of a completed conservation easement or deed restriction within one year of the issuance of this certification.
16. Ashby USA, LLC shall fully implement the *Final Water Quality Management Plan* (WQMP), dated September 26, 2002. Post-construction best management practices (BMPs) that will be implemented to treat and control urban and storm water runoff from the Roripaugh Ranch development include: four detention basins, grassy swales, fossil filters in 12 storm drains, storm drain inlets designed to reduce flow velocity and trap sediments, and street sweeping. These BMPs will be implemented and maintained as described in the WQMP.
17. A Home Owners Association (HOA) will be established prior to the issuance of the final occupancy permit for this project. The HOA will be responsible for the maintenance of all drainage facilities and BMPs outside of the public right-of-way. The BMPs, maintenance, and other activities described in the WQMP shall be incorporated into the Covenants, Codes, and Restrictions (CC&Rs) to be adopted by the HOA. Ashby USA, LLC shall submit the CC&Rs to the Regional Board within 30 days of adoption.
18. For those drainage facilities within the public right-of-way that will be maintained by the City of Temecula Public Works Department with HOA funding (i.e., fossil filters), Ashby USA, LLC shall submit, prior to occupancy, the maintenance agreement and a written statement or signature from the City of Temecula that they have accepted the maintenance responsibility.
19. The HOA will own and maintain the onsite horse trail along the south and east boundaries of the site, including a crossing of Long Valley Wash, just west of the eastern site boundary. The HOA will post and maintain signs on both sides of the crossing prohibiting riders from traveling east or west within the channel. The HOA will remove horse manure from the crossing bi-monthly and from the rest of the trails on a monthly basis.
20. The detention basins shall be vegetated with native grasses (e.g., *Distichilis* sp.).
21. Prior to the initiation of construction in waters of the U.S., Ashby USA, LLC shall submit to the Regional Board any final requirements the RCFCWCD and/or the City of Temecula has

placed on the project. This certification does not allow additional impacts to waters of the U.S. based upon any RCFCWCD requirement other than those specifically authorized. Should the RCFCWCD require additional impacts to waters of the U.S., Ashby USA, LLC must reapply for a Section 401 Water Quality Certification.

22. This certification does not address dewatering; separate authorization will be required from the Regional Board for any dewatering impacts.

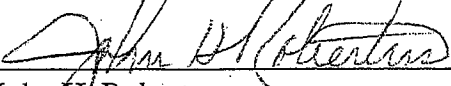
REGIONAL WATER QUALITY CONTROL BOARD CONTACT PERSON:

Megan Fisher
California Regional Water Quality Control Board, San Diego Region
9174 Sky Park Court, Suite 100
San Diego, CA 92123
858-268-5363

WATER QUALITY CERTIFICATION:

I hereby certify that the proposed discharge from the Roripaugh Ranch Residential Development Project (File No. 01C-091, WDID No. 9 00001C091) will comply with the applicable provisions of sections 301 ("Effluent Limitations"), 302 ("Water Quality Related Effluent Limitations"), 303 ("Water Quality Standards and Implementation Plans"), 306 ("National Standards of Performance"), and 307 ("Toxic and Pretreatment Effluent Standards") of the Clean Water Act. The proposed project as conditioned is consistent with conditions specified in the Water Quality Control Plan for the San Diego Basin (9) (Basin Plan) for a waiver of waste discharge requirements. Although the adoption of waste discharge requirements is being waived at this time, we may issue waste discharge requirements should new information come to our attention that indicates a water quality problem.

Except insofar as may be modified by any preceding conditions, all certification actions are contingent on (a) the discharge being limited and all proposed mitigation being completed in strict compliance with the applicants' project description and/or on the attached Project Information Sheet, and (b) on compliance with all applicable requirements of the Regional Water Quality Control Board's Water Quality Control Plan (Basin Plan).



John H. Robertus
Executive Officer
Regional Water Quality Control Board

12-11-02
Date

Attachments 1 and 2

**ATTACHMENT 1
PROJECT INFORMATION**

Applicant: Ashby USA, LLC
Richard Ashby
470 Harrison Street
Corona, CA 92789
909-898-1692
909-898-1693 (f)

Applicant Representatives: Glenn Lukos Associates, Inc.
Darlene Shelley and Martin Rasnick
29 Orchard
Lake Forest, CA 92630
949-837-0404
949-837-5834 (f)

Project Name: Roripaugh Ranch Residential Development Project (File No. 01C-091, WDID No. 9 00001C091)

Project Location: The proposed project is located in the City of Temecula in Riverside County. The site is bounded by the proposed alignment of Murrieta Hot Springs Road to the north, the proposed alignment of Butterfield Stage Road to the south, Leon Road to the west, and open space to the east, in the Bachelor Mountain quadrangle.

Type of Project: Residential Development

Project Description: Ashby USA, LLC proposes to construct a residential community consisting of approximately 2,058 single-family residential homes on 804.7 acres. The project also includes 15.4 acres of commercial uses, a 12-acre elementary school site, a 20-acre middle school site, a 5.1-acre neighborhood park, a 19.7-acre community park, 9.1 acres of private recreational facilities, 202.7 acres of biological habitat, 56.6 acres of flood control and landscaped slopes, and a 2-acre fire station. The proposed project has a gross density of 2.56 units/acre and a net residential density of 4.97 units/acre.

Federal Agency/Permit: U.S. Army Corps of Engineers/Section 404 Permit

Other Required Regulatory Approvals: California Department of Fish and Game Streambed Alteration Agreement

California Environmental Quality Act (CEQA) Compliance: The City of Temecula approved the EIR on November 26, 2002.

Receiving Water: Long Valley Wash and Santa Gertrudis Creek

Impacted Waters of the United States: The proposed project will permanently impact 3.38 acres of waters of the U.S., 0.50 of which are jurisdictional wetlands.

Dredge Volume: Not applicable

Related Projects Implemented/to be Implemented by the Applicant(s): None

Avoidance/Minimization Measures: Approximately 262 acres of the project will be open space, 201 of which will be preserved habitat as required in the Assessment District 161 sub-Regional Habitat Conservation Plan.

Compensatory Mitigation: Mitigation will consist of creating 8.2 acres of southern willow scrub and freshwater marsh habitat adjacent to Santa Gertrudis Creek, within the 201-acre preserve area.

Best Management Practices: Post-development BMPs to treat urban runoff include water quality swales, fossil filters, and four detention basins. The HOA will post and maintain signs on both sides of the horse trail crossing of Long Valley Wash and will remove horse manure bi-monthly from the crossing area and monthly from the rest of the trails.

**ATTACHMENT 2
DISTRIBUTION LIST**

Mr. Robert Smith
U.S. Army Corps of Engineers
Los Angeles District/Regulatory Branch
911 Wilshire Blvd.
Los Angeles, CA 90017-3401

Ms. Darlene Shelley and Martin Rasnick
Glenn Lukos Associates, Inc.
29 Orchard
Lake Forest, CA 92630

Mr. Peter Olah
Paradigm Engineering Group
427 E. Seventeenth Street #261
Costa Mesa, CA 92627

State Water Resources Control Board
Division of Water Quality